

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

FRANK P. SUTTON,

Petitioner,

v.

TRATE,

Respondent.

Case No. 1:23-cv-00731 JLT CDB (HC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
PETITION FOR WRIT OF HABEAS
CORPUS AS MOOT

(Doc. 8)

Frank P. Sutton is a federal prisoner proceeding pro se and *in forma pauperis* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 22, 2025, following a preliminary screening of the petition, the assigned magistrate judge issued Findings and Recommendations, recommending dismissal of the petition as moot due to Petitioner's release from federal custody. (Doc. 8.) The Court served the Findings and Recommendations on Petitioner and notified him that any objections were due within 14 days. (*Id.*) The Court also advised Petitioner that the "failure to file objections within the specified time may result in the waiver of rights on appeal." (*Id.* (citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).) Petitioner did not file objections, and the time to do so has passed.

According to 28 U.S.C. § 636(b)(1)(C), this Court has performed a *de novo* review of this

1 case. Having carefully reviewed the matter, the Court concludes the Findings and
2 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 3 1. The Findings and Recommendations issued on August 22, 2025 (Doc. 8) are
4 **ADOPTED** in full.
- 5 2. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED** without prejudice
6 as moot.
- 7 3. The Clerk of the Court is directed to close the case.

8
9 IT IS SO ORDERED.

10 Dated: **September 19, 2025**


UNITED STATES DISTRICT JUDGE